
STATE RESIDENCE

MA-3335 STATE RESIDENCE

REVISED 08/01/13 – CHANGE NO. 04-13

I. PRINCIPLE

To receive Medicaid in North Carolina you must be a North Carolina resident. This section outlines the specific requirements and how state residence is verified.

II. REQUIREMENTS

A. Resident of North Carolina (NC)

1. An applicant must live in North Carolina and meet all other eligibility requirements in order to receive NC Medicaid benefits. In order to meet NC Medicaid state residency requirements, an individual must be domiciled in NC with the intention to remain there permanently or for an indefinite period or show that he entered NC to seek employment or with a job commitment.
2. An applicant for Medicaid benefits who is capable of stating his intent, is not institutionalized, must provide satisfactory proof that he is a resident of North Carolina and that he is not maintaining a temporary residence in order to receive Medicaid benefits. Always ask all applicants to provide two of the documents listed in II.A.7. Applicants who state that they do not have two of the documents must sign the DMA-5153, North Carolina Residency Applicant Declaration, subject to prosecution, that they do not have two of the documents listed. Other evidence that verifies residence may be considered at the county's discretion.
3. **Exceptions to the residency documentation requirement:**
 - a. An applicant who is incapable of stating his intent to remain in NC is a resident of the state in which he is physically located. No statement of intent or proof is needed. (Refer to II.C. below for exceptions.)
 - b. An applicant who is institutionalized and capable of stating his intent to remain in NC is a resident of NC if he lives in an institution in NC, and states his intent to remain in NC permanently or for an indefinite period of time. No additional proof of residence is necessary.
 - c. **An individual who is incarcerated by the North Carolina Department of Public Safety, Division of prisons is deemed to have the intent to remain in North Carolina for an indefinite period of time. No additional proof of residency is necessary.**
4. An individual who claims to be a resident of NC but is temporarily absent in another state must show satisfactory proof of residence in NC before he can be considered temporarily absent for Medicaid purposes.
5. If the applicant requests assistance obtaining residency verification, it is the responsibility of the dss to assist. See MA-3210, Verification Requirements for Applications.

(II.A.)

6. A non-qualified alien applicant who does not have two of the documents listed in II.A.7 must sign the DMA-5153, North Carolina Residency Applicant Declaration, declaring that he does not have two documents.. However, this declaration from the individual applying may be insufficient. Other evidence that verifies residence may be considered at the county's discretion.
7. To verify residency, the applicant may provide documentation that verifies the address he has listed on his application as his physical or mailing address. Documents from at least two of the following categories may be provided. This means a document or proof must be from two of the little letters below. **Example: An item from c. and d. would be acceptable. Two documents outlined in b. are not acceptable.**
 - a. A valid North Carolina drivers' license or other identification card issued by the North Carolina Division of Motor Vehicles.
 - b. A current North Carolina rent, lease, or mortgage payment receipt, or current utility bill in the name of the applicant or the applicant's legal spouse, showing a North Carolina address.
 - c. A current North Carolina motor vehicle registration in the applicant's name and showing the applicant's current North Carolina address.
 - d. A document verifying that the applicant is employed in North Carolina.
 - e. One or more documents proving that the applicant's home in the applicant's prior state of residence has ended, such as closing of a bank account, termination of employment, or sale of a home.
 - f. The tax records of the applicant or the applicant's legal spouse, showing a current North Carolina address.
 - g. A document showing that the applicant has registered with a public or private employment service in North Carolina.
 - h. A document showing that the applicant has enrolled his children in a public or private school or a child care facility located in North Carolina.
 - i. A document showing that the applicant is receiving public assistance (such as Food Stamps) or other services which require proof of residence in North Carolina. Work First and Energy Assistance do not currently require proof of NC residency.

(II.A.7.)

- j. Records from a health department or other health care provider located in North Carolina which shows the applicant's current North Carolina address.
- k. A written DMA-5152, North Carolina Residency Declaration, from an individual who has a social, family, or economic relationship with the applicant, and who has personal knowledge of the applicant's intent to live in North Carolina permanently, for an indefinite period of time, or residing in North Carolina in order to seek employment or with a job commitment.
- l. A current North Carolina voter registration card.
- m. A document from the U.S. Department of Veteran's Affairs, U.S. Military or the U.S. Department of Homeland Security, verifying the applicant's intent to live in North Carolina permanently or for an indefinite period of time, or that the applicant is residing in North Carolina to seek employment or has a job commitment.
- n. Official North Carolina school records, signed by school officials, or diplomas issued by North Carolina schools (including secondary schools, colleges, universities, community colleges), verifying the applicant's intent to live in North Carolina permanently or for an indefinite period of time, or that the applicant is residing in North Carolina to seek employment or with a job commitment.
- o. A document issued by the Mexican consular or other foreign consulate verifying the applicant's intent to live in North Carolina permanently or for an indefinite period of time, or that the applicant is residing in North Carolina to seek employment or has a job commitment.

The county retains the right to deny eligibility and/or declare that the documents provided are unacceptable if it is believed that the documentation is false or is found to be unsatisfactory. The county can require that supporting documentation be provided. The county has the authority to determine what is considered satisfactory proof.

B. Individual in a Private Living Arrangement**1. Individual Age 21 or Over**

An individual over age 21 is a NC resident for Medicaid purposes if he:

- a. Lives in NC with the intention to remain there permanently or for an indefinite period, and
 - (1) Provides 2 documents from the categories listed in II.A.7. above, or
 - (2) Provides a statement that he does not have two documents, using DMA-5153, North Carolina Residency Applicant Declaration, or
 - (3) Is incapable of stating intent but is physically located in NC. See II.A. above.

Or,

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- b. Lives in NC and has entered NC with a job commitment or seeking employment, including migrant workers and military personnel, whether or not he is currently employed, and
 - (1) Provides two documents from the categories listed in II.A.7 above, or
 - (2) Provides a statement that he does not have two documents, using DMA-5153, North Carolina Residency Applicant Declaration, or
 - (3) Is incapable of stating intent but is physically located in NC. See II.A, above.

Or,

- c. Applies for Emergency Medicaid and lives in NC with the intent to live in NC permanently or for an indefinite period of time or is residing in NC to seek employment or with a job commitment, and
 - (1) Meets Emergency Medicaid requirements. Refer to MA-3330, Alien Requirements, and
 - (2) Provides two documents from the categories listed in II.A.7. above, or
 - (3) Provides a statement that he does not have two documents, using DMA-5153, North Carolina Residency Applicant Declaration,

2. Individual Under Age 21

An individual under age 21 is a resident of NC if he:

- a. Lives with his financially responsible parent(s) who is a resident of NC (see II.A. above), or
- b. Is in the custody of a NC county department of social services, or
- c. Receives State Foster Home funds from NC, or
- d. Lives in NC and receives Title IV-E payments from either foster care or adoption assistance from NC or any state, or
- e. Moves to North Carolina with his adoptive parent(s) and was receiving Medicaid as a special needs adoption child from a state that participates as an Interstate Compact on Adoption and Medical Assistance. Refer to MA-3230, Eligibility of Individual Under Age 21, or
- f. Is a student and:
 - (1) Is enrolled in a school in NC, and

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(II.B.2.f.)

- (a) Lives with his parent(s) who is a NC resident (see II.A. above), or
 - (b) Lives in NC independently from his parent(s) for his total financial support and care, including tuition and living expenses, and does not regularly return to his parent(s)' home to live except for brief visits during school breaks, or
- (2) Is enrolled in school in another state, his parent(s) is a NC resident (see II. above), and he is dependent upon his parent(s) for financial support and care, or
- g. Is not a student and:
 - (1) Lives in NC voluntarily (proof of residence must be verified – see II.A.7. above), and
 - (2) His parents are not financially responsible for him, which means he:
 - (a) Lives outside his parent(s)' home on a permanent basis, or
 - (b) Is emancipated from his parents as evidenced by the fact that he:
 - 1) Is or has been in military service, or
 - 2) Is or has been married, or
 - 3) Has been issued a court order of emancipation.
 - and
 - (3) Does not receive assistance from another state.

C. Individual In An Institution

1. Definition of Institution for State Residence

Institution has a different meaning for purpose of determining state residence than it does for budgeting. For budgeting purposes, an institution is limited to medical institutions; e.g. nursing homes, hospitals over 30 days, etc. For determining state residence, institution has a much broader meaning. It includes many living arrangements that would be considered private living for budgeting purposes.

a. Medical Institution

For determining state residence an institution is an establishment that provides food, shelter, and some treatment or services to 4 or more persons who are not related to the owner. Institution includes the following:

- (1) Nursing facilities (SNF, ICF-MR),

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(II.C.1.a.)

- (2) Hospitals,
- (3) State mental hospitals,
- (4) Adult Care Homes (rest homes/domiciliary care facilities/assisted living),
- (5) Residential treatment facilities -refer to the EIS Facility Table for the latest update on Medicaid certified facilities, and
- (6) Children's group homes, including orphanages.

b. Public Institution

A public institution is the responsibility of a governmental unit. Examples of public institutions include: prisons, jails, and juvenile justice facilities.

c. Institution for Mental Disease

An Institution for Mental Disease (IMD) is a hospital, nursing facility, or other institution of more than 16 beds that is **primarily** engaged in providing diagnosis, treatment or care of persons with mental illness.

If you encounter a living arrangement not listed here and you do not know if it is an institution, refer to MA-3360, Living Arrangement.

- 2. An individual age 21 or over who is eligible as a caretaker relative must be living with and caring for a child under age 19. Refer to MA-3235, Caretaker Relative Eligibility. If in an institution, he must be temporarily absent from the home (expected to return home within 12 months). In this case, his residence is determined as though he is living in the private living arrangement with the child. Follow policy in II. A.
- 3. An individual age 21 or over, including a pregnant woman age 21 or over, who is institutionalized is a NC resident when he:
 - a. Lives in an institution in NC, was not placed in the institution by an out-of-state agency, including a department of social services (dss), and
 - (1) Is capable of stating and does state his intent to remain in NC permanently or for an indefinite period of time. "Indefinite" indicates that the individual does not have a date in mind when he will no longer be a resident of NC, or
 - (2) **An individual incarcerated by NC Division of Prisons (DOP) is deemed to have the intent to remain in the state for an indefinite period of time, whether capable of stating his intent or not.**

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(II.C.3.a.)

- (3) Became incapable of indicating intent as described in IV.C, on or after age 21, or
 - (4) Became incapable of indicating intent as described in IV.C., before age 21 and a parent(s) or a legal guardian appointed at the time of placement lived in NC; or
 - b. Lives in an out-of-state institution and the placement was arranged by an NC agency, including a county dss. See III.C. for a description of what constitutes placement by an agency of the state; or
 - c. Lives in an out-of-state institution, became incapable of stating his intent (See IV.C.) before age 21 and
 - (1) His parent(s), or, if his parents live in separate states, the parent applying on his behalf, had verified residence in NC at the time of placement and do(es) not live in the same state as the institution, or
 - (2) His legal guardian had verified residence in NC at the time of placement and does not live in the same state as the institution.
- 4. An institutionalized individual under age 21, including a pregnant woman under 21, has residence in NC if he:
 - a. Lives in an institution in NC, and
 - (1) His parent(s), or, if his parents live in separate states, the parent applying on his behalf, lives in NC (and the residency of the parent has been verified), or
 - (2) Parental rights have been terminated, a legal guardian has been appointed, and the guardian has verified residence in NC, or
 - (3) He has been abandoned by his parent(s), no legal guardian has been appointed, and the individual or party applying on his behalf has verified residence in NC, or
 - (4) He is age 18 or older, his parent(s) live in another state, and he established residence in NC according to rules for private living arrangement prior to institutionalization, or
 - (5) **Is incarcerated by the NC Division of Prisons.**
 - b. Lives in an institution in another state, and

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- (1) His parent(s), or, if his parents live in separate states, the parent applying on his behalf, had residency verified in NC at the time of placement and do(es) not live in the same state as the institution, or
- (2) His legal guardian had residency verified in NC at the time of placement and does not live in the same state as the institution.
- (3) His placement was arranged by an NC agency, including a county dss. See III.C. below for state to state residency criteria.

III. PROCEDURES**A. Establishing Residence**

1. An individual cannot be required to be in the state for a specified period of time in order to establish residence for Medicaid purposes.
2. Applicants must provide proof of residence for Medicaid purposes.
3. In case of disputed state residence, the individual is a resident of the state in which he is physically located until the issue is resolved. The Medicaid Eligibility Unit (919-855-4000) can assist the county dss in resolving disputed state residence.
4. A non-qualified alien can meet the N.C. residency requirement by providing a DMA-5152, North Carolina Residency Declaration, from his employer, clergy, or other person with personal knowledge of his intent to live in N.C. permanently or for an indefinite period of time, or that the applicant is residing in N.C. to seek employment or with a job commitment. Two of the documents listed in II.A.7. must also be provided. If he does not have two documents, he must sign a DMA-5153, North Carolina Residency Applicant Declaration, declaring that he cannot provide said documents. However, this declaration from the individual applying may be insufficient. Other evidence that verifies residence may be considered at the county's discretion.
5. Non-immigrants may be legally admitted to the U.S., but only for a temporary or specified period of time. In order for a non-immigrant to be allowed to come to the U.S., he must demonstrate that he maintains a residence outside the U.S. which he plans to return to and that he will stay in the U.S. for a limited period of time. These non-immigrants are issued two documents.

Note: A non-qualified alien who is incarcerated by NC Division of Prisons is deemed to be a resident of the state.

(III.A.5.)

- a. VISA or DSP-150 Border Crossing Card - A visa allows an individual to travel to the United States. It classifies the visit as business, tourism, etc. It is usually valid for multiple trips during a specified period of time generally 10 years. However, a visa does not guarantee that an individual will be allowed to enter the U.S. Do not use the visa to determine the period of time an individual is allowed to remain in the U.S. The DSP-150 Border Crossing Card is the same as a B1-B2 Visa. The I-586 Border Crossing Card is no longer valid.
- b. I-94 - (Arrival/Departure Record) - This is given to individuals upon arrival in the U.S. The Bureau of Citizenship and Immigration Services (BCIS) authorizes admittance and creates an I-94 record with the date, place of arrival, class of admission, and length of time the visitor may remain in the U.S. Once he is in the country, he may apply for an extension with the BCIS under the same status or different status. Use the "Admitted Until" date on the I-94 card to determine the current status of the alien and the length of time he may remain in the U.S.

If the time limit on the I-94 has expired, verify with BCIS whether an extension has been requested and/or granted. (See EIS 1108, SAVE Verification Information System, for SAVE procedures.) An alien admitted for a limited period of time that does not leave the U.S. when the period of time expires or who does not request an extension becomes an illegal alien. This individual may be considered a N.C. resident if intent to remain is established.

6. An alien who has applied to BCIS for a change in his alien status to a status that indicates his stay in the U.S. is not time limited (such as LPR, refugee, etc.) may be considered a N.C. resident if he provides the required documentation in II.A. above.

B. Individual Moves to Another State

An individual does not retain residence in NC if he moves to another state with the intent of remaining there permanently or for an indefinite period.

1. An individual who arranges long-term care placement in another state on his own or through his representative becomes a resident of the other state, unless he is expected to return home within 12 months.
2. An individual who is placed in an out-of-state facility by the staff of an agency of NC including a county dss retains residence in NC.

NOTE: Except in unusual situations, the county dss should not be involved in out-of-state placements in long-term care.

(III.)

C. State to State Residency Criteria

1. The residence of a spouse or ownership of real property in one state does not have direct bearing on state residence for an individual in long-term care in another state. Refer to MA-3320, Resources.
2. An individual living in NC retains residence in a prior state for Medicaid purposes when the individual:
 - a. States or it is verified that his primary residence is in a prior state or that he is temporarily absent from the prior state with the intent to return to that prior state except for a person in NC for employment purposes **or who is incarcerated by NC Division of Prisons (DOP) is considered a resident of North Carolina.**

A person who is in NC for employment purposes, **or who is incarcerated by NC DOP**, is a resident of NC even if he maintains a primary place of residence in another state. Any real property he owns in the other state must be evaluated by policy in MA-3320, Resources.

- b. Was placed in an NC institution by the staff of an out-of-state agency regardless of the individual's indicated intent or ability to indicate intent.
 - (1) Placement by an out-of-state agency means a state, local, or federal agency, including a county dss, contracted to take the initiative for planning and arranging for a facility to accept the individual for care.
 - (2) Placement does not include:
 - (a) Providing basic information to individuals about another state's Medicaid program and information about the availability of health care services and facilities in another state, or
 - (b) Assisting an individual to locate an institution if such individual is capable of indicating intent and independently decides to move.

(III)

D. Child in Custody of a Social Services Agency

1. Child in Custody of Another State

A child in the custody of an agency of another state and who lives in or moves into NC retains residence in the prior state UNLESS:

- a. The child receives Title IV-E payments for foster care or adoption assistance from the other state or there is a current Adoption Assistance Agreement from the other state, or
- b. The originating state relinquishes custody.

Refer to MA-3230, Eligibility of Individuals Under 21.

2. Child in Custody of an NC Agency

A child in the custody of NC placed in a foster home or with a relative in another state retains residence in NC, UNLESS:

- a. The child receives Title IV-E payments for either foster care or adoption assistance from NC, or
- b. The child takes action himself to establish or abandon residence, or
- c. Foster parents complete a legal adoption, or
- d. The other state voluntarily accepts a transfer of the custody.

E. Individual Temporarily Absent (Not applicable to children in county custody or receiving assistance under Title IV-E)

Temporary absence (up to 12 months) from the state of residence with subsequent return or intent to return when the purpose of the absence has been accomplished does not interrupt continuity of residence unless another state has determined that the individual is a resident of its state.

Additional instructions for temporary absence are located in MA-3305, MAF, MIC, HSF Budgetin

(III.E.)

1. An M-AF, M-IC, or M-PW **beneficiary** may be absent from NC for the purpose of obtaining medical care/treatment in a hospital or nursing facility in another state and remain eligible in NC, provided the absence is not expected to exceed 12 months.
2. Denial or termination of assistance for state residence during a temporary absence (up to 12 months) from the state is prohibited unless the other state determines that the individual is eligible for assistance in that state.
2. Eligibility for NC Medicaid is not a guarantee of payment for medical services in another state. See VII.

F. Medical Care and Services Provided Outside the State

Medical care and services provided outside the State to eligible residents of the State will be covered only under certain conditions, as indicated in VII. below.

IV. INDICATING INTENT**A. Evaluation of Ability**

Evaluate the individual's ability to indicate intent. Assume he is capable unless he meets the criteria in IV.C. **Note: An inmate of a NC Division of Prisons facility is deemed to be a North Carolina resident, whether capable of indicating intent or not.**

B. Capable of Indicating Intent

If the individual is capable of stating and does state his intent to remain in NC permanently or for an indefinite period, unless there reason to doubt, accept the statement and request documentation as outlined in II.A.7. "A reason to doubt" means that there is evidence that contradicts the individual's intent to remain in NC.

C. Incapable of Indicating Intent

1. An individual is considered incapable of indicating intent if he:
 - a. Is judged legally incompetent, or
 - b. Has an I.Q. of 49 or less or has a mental age of 7 or less, based on tests acceptable to the state mental retardation agency, or
 - c. Has medical documentation or a court order supporting a finding of incapability of indicating intent.
2. Obtain information from such sources as:

(IV.C.2.)

- a. Physicians, psychologists, or individuals licensed in NC in the field of mental retardation.
 - b. The DMA-4037 when there is a determination of disability.
 - c. State or private mental retardation center or mental hospital records,
 - d. School records,
 - e. Division of Vocational Rehabilitation records,
 - f. Division of Mental Health/Mental Retardation/Substance Abuse records,
 - g. Test(s) administered at the local mental health agency,
 - h. Psychological tests administered by a state psychologist or medical personnel, or
 - i. Legal determination of incompetence by the court.
3. If medical documentation including, but not limited to, a medical report/summary on the individual from a doctor or other medical treating source demonstrates incapability, consider him incapable. Dementia, for example, is a disease that affects capability.
 4. Proof of residence is not required. He is considered to be a resident of the state in which he is physically located.

V. INDIVIDUAL MOVING TO NC WAS PREVIOUSLY ELIGIBLE IN ANOTHER STATE**A. If an individual who was receiving Medicaid in another state prior to moving to NC applies for NC Medicaid, the IMC is responsible for contacting the prior state to:**

1. Notify the State of the applicant's move to NC, and
2. Request that eligibility in the other state be terminated as of the date the individual moved to NC with the intent to remain, so that eligibility for NC Medicaid can be determined, and
3. Obtain any information on resources such as bank accounts, stocks, bonds, promissory notes, former homesite, etc., that will aid in determining eligibility in NC, and

4. Verify whether the other state's Medicaid program will cover bill(s) incurred in NC if the applicant has outstanding medical bills in NC in the same month he received Medicaid in the other state.

NOTE: A lot of Medicaid programs in other states are similar to NC. They only cover out-of-state services if it is an emergency or the service was prior approved.

B. If the applicant has a bill in NC that will NOT be covered by the other state, authorize Medicaid in NC if eligible for that month.

C. If the other state will pay the NC claims:

1. Contact the medical provider(s) and verify whether he is enrolled or is willing to enroll with the other state.
2. If providers are not willing to enroll and file claims with the other state, authorize NC Medicaid if eligible.
3. If providers are willing to enroll and bill the other state, there is no need for NC coverage for that month(s).

D. Follow-up with the out-of-state agency at least every 2 weeks until a response is received if written verification was requested.

E. Attach letters/documents or notes on telephone contacts with the out-of-state agency to the base document to verify the applicant's eligibility status.

F. Contact the Medicaid Eligibility Unit (Refer to EIS 1200, State Office Contacts) if there is a question about whether payment for out-of-state services is available in NC or if assistance is needed in verifying out-of-state eligibility or coverage.

G. If out-of-state Medicaid coverage terminates other than the last day of the month, authorize NC Medicaid the first of the month in which the out-of-state Medicaid terminates.

VI. INDIVIDUAL PREVIOUSLY ELIGIBLE IN NC MOVES TO ANOTHER STATE

A. An individual who was a resident and eligible for Medicaid in NC but moved to another state with the intent to remain is no longer eligible to receive Medicaid benefits from NC.

(VI.)

- B. Propose termination of the Medicaid case for an individual by sending a timely notice when it has been verified that he has moved to another state with the intent to remain there permanently or for an indefinite period. Only an adequate notice is sufficient if the individual begins to receive assistance in another state with no break in benefits. Refer to MA-3430, Notice and Hearings Process.**

VII. MEDICAL CARE PROVIDED OUTSIDE OF NC

- A. Medical care and services provided outside of NC to residents of NC who are Medicaid eligible in private living situations are covered:**

1. Without prior approval:
 - a. Residents of a border county who customarily use providers across the state line, other than placement in a nursing facility. This may be a general practice for residents to use medical resources outside of NC.
 - b. In the event of an accident or the need for emergency medical care arises in another state. The out-of-state provider of the medical service must document that:
 - (1) The medical care was provided as the result of an emergency arising from an accident or illness, or
 - (2) The person's health would be endangered if he undertook travel to return to NC.
2. In cases requiring prior approval, the Division of Medical Assistance determines that the needed medical service or necessary supplementary resources are more readily available in the other state or cannot be reasonably provided in NC.
3. Long-term care services in a nursing facility in another state are covered by NC Medicaid if:
 - a. The individual was placed by a NC agency, including a dss, or
 - b. The individual is temporarily absent from NC and has been granted prior approval by NC Medicaid for coverage of the medical care in the other state, or
 - c. The Division of Medical Assistance has granted prior approval for specialized care that is not available in NC.

- B. Inform the **a/b** that:**

1. Claims may not be paid outside of NC except for the reasons stated in A. above, and

(VII.B.)

2. The provider must enroll in and agree to accept payment from the NC Medicaid program if he has rendered a service that NC Medicaid can cover.

C. Questions about Medicaid Claims and State Residence

The Claims Analysis Unit at DMA routinely reviews claims for care provided out-of-state. If the review indicates that an active **beneficiary** claims an address in another state, they will send a letter to the county department of social services advising them of this. They will not send the letter if the **beneficiary**'s case in NC has been terminated. Also, since foster children can be placed out-of-state and retain NC residence, they will not send a letter regarding claims paid for foster children.

When you receive a letter from the Claims Analysis Unit notifying you that a Medicaid claim indicates that a **beneficiary** has an address in another state, do the following:

1. Review the case according to policy in this section to determine if the **beneficiary** is a resident of NC.
 - a. If he is a resident of NC, continue the case.
 - b. If he is not a resident of NC, propose termination with a timely notice.
2. No response to DMA is necessary.